Case 2:03-cv-02438-FCD-KJM Document 21 Filed 06/03/05 Page 1 of 2 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 UNITED STATES OF AMERICA, 12 Plaintiff, CIV S-03-2438 FCD PAN 13 v. 14 DONNA L. BROOKS, 15 ORDER Defendant and 16 Judgment Debtor, 17 EMPLOYMENT DEVELOPMENT DEPARTMENT, 18 Garnishee. 19 20 $-\circ\bigcirc\circ-$ 21 Defendant Donna L. Brooks' request for hearing is 22 granted. Defendant's claims of exemption and any other related 23 24

matters shall be heard Wednesday, June 8, 2005, at 9:00 a.m., in Courtroom 25.

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Garnishee Employment Development Department has failed timely to answer plaintiff's writ of garnishment within 10 days of service of the writ (28 U.S.C. § 3205(c)(2)(E)), or by May 3, 2005. Accordingly, the Department shall not withhold any amounts from defendant's earnings until a final order is made. If any money has been withheld from defendant's earnings to date, the Department is directed to refund the entire amount to defendant within three days of service of this order.

So ordered.

Dated: June 3, 2005.

/s/ Peter A. Nowinski PETER A. NOWINSKI Magistrate Judge